

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

M E M O R A N D U M

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.
Civil Case No. 08-921

DATE: June 10, 2011

On June 3, 2011, the Court issued an Order [Paper No. 701] ruling that, from that date forward, no party to this action may file a motion without first obtaining prior leave of Court. The Court also ruled that any motion requesting leave to file a motion shall be limited to two pages in length (including attachments and exhibits).

On June 8, 2011, counsel for Plaintiff Beyond Systems, Inc. (“BSI”) filed a Motion for Leave to File Its Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court for Its Defiance of the Court’s Orders and Rulings [Paper No. 706]. In its Motion, BSI asks the Court for leave to file a motion ordering Defendant World Avenue USA, LLC (“World Avenue”) to show cause why it should not be held in contempt for violating two orders Magistrate Judge Charles Day issued earlier this year. Specifically, BSI maintains that World Avenue has failed to adequately respond, in violation of court orders, to certain interrogatories and document requests.

The Court will **GRANT IN PART AND DENY IN PART** the Motion for Leave to File. The Court **GRANTS** the Motion insofar as it will permit BSI to file a brief motion, not to exceed **FOUR PAGES** in length, describing the interrogatory responses and documents sought, as well as World Avenue’s alleged failure to comply with Magistrate Judge Day’s orders. BSI may, if appropriate, attach World Avenue’s allegedly deficient interrogatory responses to its motion, but may file no other attachments or exhibits. The Court **DENIES** the Motion in all other respects.

Upon the filing of BSI’s motion, Magistrate Judge Day will review the motion, determine if a response from World Avenue will be necessary, and—at the appropriate time—issue a ruling on the motion. Unless and until Judge Day requests a response, World Avenue need not file one.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE